

MEMORIAL RESOLUTIONS

- S.R. 560 - By Glasgow: In memory of Mayor Walter Hales of Bridgeport.
S.R. 561 - By Glasgow: In memory of James D. Gardner of Meridian.
S.R. 562 - By Glasgow: In memory of Thurmond Spencer of Glen Rose.
S.R. 563 - By Glasgow: In memory of Wesley I. Lane, Jr., of Fort Worth.
S.R. 564 - By Glasgow: In memory of Bettye Harris of Lewisville.
S.R. 565 - By Glasgow: In memory of Billie Cox Gaines of Dublin.
S.R. 566 - By Glasgow: In memory of Charles Newby of Burleson.
S.R. 567 - By Glasgow: In memory of Chief Deputy David Jones of Comanche.

CONGRATULATORY RESOLUTIONS

- S.R. 541 - By Carriker: Expressing appreciation to the crew of the USS Little and wishing for them a most rewarding reunion.
S.R. 558 - By Henderson: Extending congratulations to Jon Christopher Moore on attaining the rank of Eagle Scout.
S.R. 559 - By Henderson: Extending congratulations to Clifton Kyle Netterville on attaining the rank of Eagle Scout.
S.R. 569 - By Truan: Commending the Nueces County Community Action Agency for the dedication and spirit of caring with which the directors and employees carry on the work of assisting those Texans in greatest need.

RECESS

On motion of Senator Brooks, the Senate at 12:50 p.m. took recess until 8:00 a.m. tomorrow.

FIFTY-SIXTH DAY

(Continued)

(Thursday, May 4, 1989)

AFTER RECESS

The Senate met at 8:00 a.m. and was called to order by Senator Sims.

SENATORS ANNOUNCED PRESENT

Senators Brown, Glasgow and McFarland, who had previously been recorded as "Absent-excused," were announced "Present."

LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer (Senator Sims in Chair) announced that the time had arrived for consideration of the Local and Uncontested Bills Calendar.

Pursuant to Senate Rule 9.03(d), the following bills were laid before the Senate, read second time, amended where applicable, passed to engrossment/third reading, read third time and passed: (Vote on Constitutional Three-Day Rule and final passage indicated after the caption of each bill.)

C.S.S.C.R. 25 (Barrientos) Directing the Legislative Budget Board staff to monitor use of federal Job Training Partnership Act funds. (vv)

S.C.R. 117 (Brooks) Directing the Texas Department of Health to make available data on the costs associated with the most common diagnostic categories among older citizens. (vv)

S.B. 156 (Lyon) Relating to certain annuities based on service credited in the elected class of membership of the Employees Retirement System of Texas. (30-1) Washington "Nay" (31-0)

S.B. 277 (Brooks) Relating to exempting certain lawn and yard services from sales and use taxes. (30-1) Washington "Nay" (31-0)

S.B. 374 (Zaffirini) Relating to the application of the professional prosecutors law to the district attorney of the 22nd Judicial District. (30-1) Washington "Nay" (31-0)

S.B. 549 (Krier) Relating to publication in the newspaper of a caption of an ordinance imposing a penalty by general-law municipalities. (30-1) Washington "Nay" (31-0)

C.S.S.B. 606 (Green) Relating to certain health insurance benefits for diagnostic, treatment and surgical procedures involving bones and joints of the human body. (30-1) Washington "Nay" (31-0)

C.S.S.B. 642 (Carriker) Relating to the bond required before the issuance of an order restraining or enjoining foreclosure on the homestead of an indigent person. (30-1) Washington "Nay" (31-0)

C.S.S.B. 681 (Krier) Relating to the authority of a county tax assessor-collector to deputize an individual or a business entity to issue motor vehicle registration receipts or to prepare or accept applications for title transfers. (30-1) Washington "Nay" (31-0)

C.S.S.B. 757 (Sims) Relating to advertising items provided to retailers by holders of winery permits. (30-1) Washington "Nay" (31-0)

C.S.S.B. 788 (Brooks) Relating to the authority of a physician to supply drugs and other remedies free of charge to certain patients. (30-1) Washington "Nay" (31-0)

S.B. 836 (Truan) Relating to the certification, registration and regulation of medical radiologic technologists. (30-1) Washington "Nay" (31-0)

S.B. 935 (Lyon) Relating to the management and operation of certain municipally owned utilities, including the power to issue bonds and the power of eminent domain. (30-1) Washington "Nay" (31-0)

S.B. 949 (Whitmire) Relating to the computation of the leave of absence for military training or duties that a governmental officer or employee may take. (30-1) Washington "Nay" (31-0)

S.B. 956 (Parmer) Relating to the Special Supplemental Food Program for Women, Infants, and Children. (30-1) Washington "Nay" (31-0)

S.B. 987 (Krier) Relating to the manner in which a deadline is determined in connection with a public grant or loan program. (30-1) Washington "Nay" (31-0)

S.B. 999 (Montford) Relating to the adoption of emergency rules by the Parks and Wildlife Commission. (30-1) Washington "Nay" (31-0)

C.S.S.B. 1033 (Brown) Relating to abolishing the office of criminal district attorney of Fort Bend County, creating the office of district attorney for the 268th Judicial District, and creating the office of county attorney of Fort Bend County. (30-1) Washington "Nay" (31-0)

S.B. 1039 (Haley) Relating to appointment of commissioners for the Sabine River Compact. (30-1) Washington "Nay" (31-0)

S.B. 1163 (Henderson) Relating to an action to enjoin acts damaging to business reputation or to a trade name or mark. (30-1) Washington "Nay" (31-0)

C.S.S.B. 1185 (Washington) Relating to dismissal of certain misdemeanor traffic offenses on completion of a driving safety course. (30-1) Washington "Nay" (31-0)

S.B. 1231 (Montford) Relating to the extension of the filing period for appeals by school districts of the State Property Tax Board's annual property value study. (30-1) Washington "Nay" (31-0)

C.S.S.B. 1272 (Harris) Relating to alcoholic beverage regulation. (30-1) Washington "Nay" (31-0)

C.S.S.B. 1280 (Henderson) Relating to the creation, confirmation election, director's qualifications, and exclusions of property from a regional water district. (30-1) Washington "Nay" (31-0)

C.S.S.B. 1322 (Dickson) Relating to rights and procedures governing the provision of services to persons with mental illness; providing a civil penalty. (30-1) Washington "Nay" (31-0)

S.B. 1360 (Glasgow) Relating to the involuntary termination of the parent-child relationship. (30-1) Washington "Nay" (31-0)

C.S.S.B. 1397 (Washington) Relating to inquests and autopsies regarding the body of a prospective organ donor. (30-1) Washington "Nay" (31-0)

S.B. 1407 (Caperton) Relating to the creation of the constitutional office of criminal district attorney of Austin County and to the abolition of the offices of county attorney in that county and district attorney for the 155th Judicial District. (30-1) Washington "Nay" (31-0)

S.B. 1462 (Santiesteban) Relating to the authority of a home-rule municipality to require that substandard buildings be vacated and that the occupants be relocated. (30-1) Washington "Nay" (31-0)

S.B. 1500 (Whitmire) Relating to the county criminal courts at law in Harris County. (30-1) Washington "Nay" (31-0)

C.S.S.B. 1511 (Santiesteban) Relating to the recovery of certain costs and attorney's fees by the State or a local government and to venue for certain prosecutions concerning litter offenses or illegal disposal of solid waste. (30-1) Washington "Nay" (31-0)

C.S.S.B. 1517 (Brooks) Relating to the registration and permitting requirements of certain municipal solid waste management facilities and to establishing a waste minimization and recycling office within the Texas Department of Health. (30-1) Washington "Nay" (31-0)

C.S.S.B. 1519 (Brooks) Relating to state, regional and local solid waste management plans and to the implementation of those plans through municipal solid waste planning regions. (30-1) Washington "Nay" (31-0)

S.B. 1558 (Armbrister) Relating to the qualifications of members of the Board of Tax Professional Examiners. (30-1) Washington "Nay" (31-0)

S.B. 1576 (Uribe) Relating to the award of attorney's fees and certain costs of litigation to cities and counties in lawsuits brought by such governments to enforce environmental laws. (30-1) Washington "Nay" (31-0)

S.B. 1601 (Armbrister) Relating to the creation of the Piney Creek Municipal Utility District. (30-1) Washington "Nay" (31-0)

C.S.S.B. 1605 (Leedom) Relating to certain statutory county courts in Dallas County. (30-1) Washington "Nay" (31-0)

S.B. 1630 (Uribe) Relating to the definition of "handicapped person" for the purposes of education, training and special services provided by a rehabilitation district. (30-1) Washington "Nay" (31-0)

C.S.S.B. 1632 (Caperton) Relating to compensation for members of the juvenile board in Waller County. (30-1) Washington "Nay" (31-0)

C.S.S.B. 1634 (Sims) Relating to the creation of the Reagan County Underground Water Conservation District. (30-1) Washington "Nay" (31-0)

S.B. 1654 (Glasgow) Relating to the salary of the judge of the County Court at Law of Johnson County and to the service of that judge on the county juvenile board. (30-1) Washington "Nay" (31-0)

C.S.S.B. 1656 (Montford) Relating to the creation of the South Ector County Underground Water Conservation District. (30-1) Washington "Nay" (31-0)

S.B. 1673 (Zaffirini) Relating to the date and time of regular meetings of water control and improvement districts. (30-1) Washington "Nay" (31-0)

S.B. 1675 (Zaffirini) Relating to the creation of the Live Oak County Underground Water Conservation District. (30-1) Washington "Nay" (31-0)

C.S.S.B. 1676 (Zaffirini) Relating to consent for immunization of minors. (30-1) Washington "Nay" (31-0)

S.B. 1690 (Sims) Relating to the boundaries of the Real-Edwards Conservation and Reclamation District. (30-1) Washington "Nay" (31-0)

S.B. 1713 (Brown) Relating to the use of certain municipal hotel occupancy tax revenue for manned space flight tourism facilities. (30-1) Washington "Nay" (31-0)

S.B. 1727 (Montford) Relating to the creation of the Dawson County Underground Water Conservation District. (30-1) Washington "Nay" (31-0)

C.S.S.B. 1728 (Bivins) Relating to the authority of the Railroad Commission of Texas to direct payment of the cost of holding certain hearings at locations other than Austin and making an appropriation. (30-1) Washington "Nay" (31-0)

C.S.S.B. 1733 (Edwards) Relating to the county court and the county courts at law in McLennan County. (30-1) Washington "Nay" (31-0)

H.C.R. 52 (Parker) Reauthorizing the construction of a memorial honoring veterans of the Korean War and the war in Southeast Asia. (vv)

C.S.H.C.R. 92 (Carriker) Directing the Coordinating Board to study all issues and concerns relating to the nursing shortage. (vv)

H.C.R. 117 (Zaffirini) Extending an invitation to the people of Canada to join Texas in a relationship of mutual benefit. (vv)

H.C.R. 118 (Zaffirini) Extending an invitation to the people of Mexico to join Texas in a relationship of mutual benefit. (vv)

H.C.R. 140 (Zaffirini) Extending an invitation to the people of South Korea to join Texas in a relationship of mutual benefit. (vv)

H.C.R. 141 (Zaffirini) Extending an invitation to the people of Japan to join Texas in a relationship of mutual benefit. (vv)

H.B. 79 (Sims) Relating to the jurisdiction of the County Court at Law of Medina County and to certain fees in that court. (30-1) Washington "Nay" (31-0)

H.B. 122 (Tejeda) Relating to persons authorized to receive compensation for the preparation of instruments affecting title to real property. (30-1) Washington "Nay" (31-0)

H.B. 143 (Edwards) Relating to the definition of blood banks for purposes of testing, confidentiality of records, "Operation Look-Back" procedures, and liability. (30-1) Washington "Nay" (31-0)

H.B. 371 (Haley) Relating to the time when a county must prepare an annual budget. (30-1) Washington "Nay" (31-0)

H.B. 391 (Santiesteban) Relating to treatment of permits issued under certain federally authorized State programs. (30-1) Washington "Nay" (31-0)

H.B. 423 (Santiesteban) Relating to audit report exemptions and financial dormancy affidavits of certain water districts. (30-1) Washington "Nay" (31-0)

H.B. 468 (Parmer) Relating to the coverage of Alzheimer's disease under certain health insurance. (30-1) Washington "Nay" (31-0)

Senator Parmer offered the following committee amendment to the bill:

Amend **H.B. 468**, SECTION 1, Art. 3.77, (p. 1, line 17) by deleting the "," between the words "psychological" and "and/or" and inserting a "," between the words "evaluations" and "and".

The committee amendment was read and was adopted viva voce vote.

On motion of Senator Parmer and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

C.S.H.B. 563 (Barrientos) Relating to the withdrawal of a participating jurisdiction from certain metropolitan transit authorities. (30-1) Washington "Nay" (31-0)

H.B. 709 (Sims) Relating to an emergency appropriation to the Texas Agricultural Experiment Station for research on the Africanized bee. (30-1) Washington "Nay" (31-0)

H.B. 729 (Glasgow) Relating to a prohibition on requiring a peace officer to issue a specified number of traffic citations. (30-1) Washington "Nay" (31-0)

H.B. 1192 (Caperton) Relating to the identification of certain county vehicles. (30-1) Washington "Nay" (31-0)

C.S.H.B. 1211 (Washington) Relating to the provision of services by podiatrists under the Indigent Health Care and Treatment Act. (30-1) Washington "Nay" (31-0)

H.B. 1243 (McFarland) Relating to the provision of services by dentists under the Indigent Health Care and Treatment Act. (30-1) Washington "Nay" (31-0)

Senator McFarland offered the following committee amendment to the bill:

Amend **H.B. 1243** as follows:

Strike (i) and replace with the following:

Notwithstanding Subsection (a) of this section or any other provision of law, the department shall permit payment to a licensed dentist for services provided under Section 3.01(a)5 and Section 3.01(a)3 to the extent that these services are required by Section 3.01(a)5 of this Act if the dentist can provide those services within the scope of the dentist's license.

The committee amendment was read and was adopted viva voce vote.

On motion of Senator McFarland and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

H.B. 1393 (Brooks) Relating to the validation of certain municipal consolidations. (30-1) Washington "Nay" (31-0)

H.B. 1394 (Brooks) Relating to the validation of certain municipal annexations. (30-1) Washington "Nay" (31-0)

C.S.H.B. 1407 (Brooks) Relating to financing of the Texas Low-Level Radioactive Waste Disposal Authority and to the radiation and perpetual care fund and transfers to that fund. (30-1) Washington "Nay" (31-0)

H.B. 1474 (Haley) Relating to the creation of the constitutional office of criminal district attorney of San Jacinto County and the abolition of the office of county attorney in that county. (30-1) Washington "Nay" (31-0)

H.B. 1577 (Brown) Relating to the maintenance and disposition of certain county records. (30-1) Washington "Nay" (31-0)

H.B. 2079 (McFarland) Relating to acts of public agencies that jointly own one or more airports pursuant to joint action agreements. (30-1) Washington "Nay" (31-0)

H.B. 2769 (Bivins) Relating to the creation of the Hutchinson County Hospital District. (30-1) Washington "Nay" (31-0)

BILL REMOVED FROM LOCAL AND UNCONTESTED BILLS CALENDAR

<u>Number</u>	<u>Senators Removing</u>
S.B. 1629	Green, Sims

SENATE BILLS AND RESOLUTION ON FIRST READING

On motion of Senator Dickson and by unanimous consent, the following bills and resolution were introduced, read first time and referred to the Committee indicated:

S.C.R. 137 by Dickson Health and Human Services
Recognizing National Mental Illness Awareness Week during the next biennium as a way to reduce stigma and promote understanding of mentally ill citizens and their families.

S.B. 1801 by Bivins Finance
Relating to exempting certain corporations that are exempt from federal income tax from the franchise tax.

S.B. 1802 by Lyon Health and Human Services
Relating to the regulation of Texas youth camps.

S.B. 1803 by Ratliff Natural Resources
Relating to the regulation of naturally occurring radioactive materials; making an appropriation.

S.B. 1804 by Tejada Jurisprudence
Relating to an exemption from sanctions for a professional journalist, and the employer or organization with authority over the professional journalist, for the refusal or failure to disclose certain information in response to a subpoena.

S.B. 1805 by Dickson Intergovernmental Relations
Relating to the composition of the Taylor County Juvenile Board.

HOUSE BILLS ON FIRST READING

The following bills received from the House were read the first time and referred to the Committee indicated:

H.B. 291, To Committee on Health and Human Services.
H.B. 535, To Committee on Jurisprudence.
H.B. 624, To Committee on Health and Human Services.
H.B. 760, To Committee on Criminal Justice.
H.B. 799, To Committee on Finance.
H.B. 817, To Committee on Criminal Justice.
H.B. 1263, To Committee on Intergovernmental Relations.
H.B. 1522, To Committee on Jurisprudence.
H.B. 1645, To Committee on Intergovernmental Relations.
H.B. 1878, To Committee on State Affairs.
H.B. 2111, To Committee on Criminal Justice.
H.B. 2178, To Committee on State Affairs.

REPORTS OF STANDING COMMITTEES

By unanimous consent, Senator Brooks submitted the following report for the Committee on Health and Human Services:

S.B. 1750
S.B. 1710
S.B. 1708
H.B. 1955
H.B. 1841
H.B. 301

By unanimous consent, Senator Uribe, Vice-Chairman, submitted the following report for the Committee on Health and Human Services:

C.S.S.B. 1774

By unanimous consent, Senator Glasgow submitted the following report for the Committee on Jurisprudence:

C.S.S.B. 1721

MESSAGE FROM THE HOUSE

House Chamber
May 4, 1989

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 5, Relating to the offenses of engaging in organized criminal activity, collection of unlawful debts, and receiving or using proceeds from criminal activity; to the prosecution and punishment of those offenses; and to civil remedies, including injunctive relief, for prohibited activities.

H.B. 9, Relating to the punishment for the offense of aggravated assault on a peace officer, member or employee of the Board of Pardons and Paroles, or jailer or guard.

H.B. 1536, Relating to the statutory county courts in Bexar County.

H.B. 581, Relating to termination of the parent-child relationship and emergency removal for certain children.

H.B. 608, Relating to the definition of a railroad company for the purposes of incorporation and regulation by the Railroad Commission of Texas.

H.B. 1546, Relating to the Texas Water Commission's review and approval of the water pollution control and abatement programs of certain municipalities.

H.B. 1925, Relating to the imposition of a civil penalty on a municipality that fails to provide services in an annexed area within certain time limits.

H.B. 1929, Relating to the release of certain persons accused of misdemeanors without bail on the condition that they report to county court for arraignment at a later date.

H.B. 1949, Relating to the disposition of certain fees and charges collected by hospitals operated by the Texas Department of Health.

H.C.R. 235, Recognizing May 1989 as Spina Bifida Awareness Month.

The House has granted the request of the Senate for the appointment of a Conference Committee on **S.B. 338**. The following have been appointed on the part of the House: Rudd, Chair; Danburg, Earley, Evans, Watkins.

H.B. 8, Relating to the forfeiture of certain property related to felony offenses and to the offense of illegal investment under the Texas Controlled Substances Act.

H.B. 392, Relating to income eligibility for nursing home care; making an emergency appropriation to the Texas Department of Human Services.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

CONCLUSION OF SESSION FOR LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer (Senator Sims in Chair) announced that the session for the consideration of the Local and Uncontested Bills Calendar was concluded.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 8:46 a.m. adjourned until 9:30 a.m. today.